

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OLEAN WHOLESALE GROCERY
COOPERATIVE, INC., JOHN GROSS AND
COMPANY, INC., and MAPLEVALE
FARMS, INC.,

Plaintiffs,

v.

AGRI STATS, INC., BUTTERBALL, LLC,
CARGILL, INC., CARGILL MEAT
SOLUTIONS CORPORATION, COOPER
FARMS, INC., FARBEST FOODS, INC.,
FOSTER FARMS, LLC, FOSTER POULTRY
FARMS, THE HILLSHIRE BRANDS
COMPANY, HORMEL FOODS
CORPORATION, HOUSE OF RAEFORD
FARMS, INC., PERDUE FARMS, INC.,
PERDUE FOODS LLC, TYSON FOODS,
INC., TYSON FRESH MEATS, INC. and
TYSON PREPARED FOODS, INC.,

Defendants

Case No.: 2:21-mc-00066-RSL

STIPULATED MOTION AND ORDER
TO TRANSFER

Noted for Consideration: June 29, 2021

**STIPULATION AND PROPOSED ORDER TO TRANSFER
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 45(f)**

Hagens Berman Sobol Shapiro LLP (“Hagens Berman”), Lockridge Grindal Naeun,
P.L.L.P. (“Lockridge”), and Lael Henterly (“Henterly” and together with Hagens Berman and
Lockridge, “Movants”) and Defendants Agri Stats, Inc., Butterball, LLC, Cargill, Inc., Cargill

1 Meat Solutions Corporation, Cooper Farms, Inc., Farbest Foods, Inc., Foster Farms, LLC, Foster
2 Poultry Farms, The Hillshire Brands Company, Hormel Foods Corporation, House of Raeford
3 Farms, Inc., Perdue Farms, Inc., and Perdue Foods LLC (together “Defendants”), through their
4 undersigned counsel, hereby enter into this stipulation and proposed order to transfer pursuant to
5 Federal Rule of Civil Procedure 45(f) (the “Stipulation and Proposed Order”).

6 WHEREAS, Movants initiated this miscellaneous proceeding to move to quash (the
7 “Motion to Quash”) a May 21, 2021 subpoena for documents (the “Subpoena”) addressed to Lael
8 Henterly and served on behalf of the Defendants.

9 WHEREAS, the Motion to Quash is a discovery dispute ancillary to a putative class action
10 pending in the United States District Court for the Northern District of Illinois (“Northern
11 District of Illinois”) since December 2019, captioned *Olean Wholesale Grocery Cooperative,*
12 *Inc. et al. v. Agri Stats, Inc. et al.*, No. 1:19-cv-08318 (N.D. Ill.).

13 WHEREAS, the issuing court of the Subpoena was the Northern District of Illinois.

14 WHEREAS, pursuant to Federal Rule of Civil Procedure 45(f), “[w]hen the court where
15 compliance is required did not issue the subpoena, it may transfer a motion under this rule to
16 the issuing court if the person subject to the subpoena consents or if the court finds
17 exceptional circumstances.” Fed. R. Civ. P. 45(f).

18 WHEREAS, transfer of the Motion to Quash to the Northern District of Illinois does not
19 alter the requirements of Federal Rule of Civil Procedure 45(d).

20 WHEREAS, the Defendants and Ms. Henterly consent to the transfer of the Motion to
21 Quash to the Northern District of Illinois.

22 WHEREAS, the underlying case to which the Subpoena relates involves complex questions

1 that the Northern District of Illinois is already considering.

2 WHEREFORE, the parties hereto file this stipulated motion seeking the Court's Order that:

- 3 1. The Motion to Quash shall be transferred to the Northern District of Illinois; and
4 2. Defendants' response to the Motion to Quash shall be due two weeks after the
5 date on the Stipulation and Proposed Order.

6 DATED this twenty-ninth day of June, 2021.

7 /s/ Molly A. Terwilliger

8 Molly A. Terwilliger, WSBA No. 28449
9 STOKES LAWRENCE, P.S.
10 1420 Fifth Avenue, Suite 3000
11 Seattle, WA 98101-2393
12 (206) 892-2177
13 Molly.Terwilliger@stokeslaw.com

14 ***Counsel for Defendants***

15 HAGENS BERMAN SOBOL SHAPIRO,
16 LLP

17 /s/ Shana E. Scarlett

18 SHANA E. SCARLETT
19 (*pro hac vice* forthcoming)

20 Rio S. Pierce (*pro hac vice* forthcoming)
21 715 Hearst Avenue, Suite 202
22 Berkeley, California 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com
riop@hbsslaw.com

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO,
LLP

1301 Second Ave., Suite 2000
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com

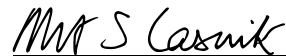
1 W. Joseph Bruckner
2 Brian D. Clark
3 Maureen Kane Berg
4 Simeon Morbey
5 Steven E. Serdikoff
6 LOCKRIDGE GRINDAL NAUEN P.L.L.P.
7 100 Washington Avenue South, Suite 2200
8 Minneapolis, Minnesota 55401
9 Telephone: (612) 339-6900
10 Facsimile: (612) 339-0981
11 wjbruckner@locklaw.com
12 bdclark@locklaw.com
13 mkberg@locklaw.com
14 samorbey@locklaw.com
15 seserdikoff@locklaw.com

16 *Counsel for Movants*

17
18 **ORDER**

19 It is hereby ORDERED that Case No. 2:21-mc-00066-RSL is transferred to the Northern
20 District of Illinois, and that Defendant's response date shall be two weeks from the date of this
21 Order.

22 DATED this 30th day of June, 2021.



The Honorable Robert S. Lasnik
UNITED STATES DISTRICT JUDGE